

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

| | | |
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| UNITED STATES OF AMERICA |) | |
| |) | |
| V. |) | CRIMINAL NO. 05-30046 |
| |) | |
| EDUARDO PAGAN |) | |

MOTION FOR FUNDS TO RETAIN CONNECTICUT ATTORNEY

Eduardo Pagan, the Defendant in the above-captioned criminal case, hereby moves the Court authorize \$2,500 with which to hire a Connecticut attorney, for the purpose of evaluating the constitutionality of his 1999 prior conviction in Connecticut upon which the government has filed an enhancement for sentencing pursuant to Title 21 U.S.C. § 851. The purpose of this request is to assist the undersigned in his representation of the Defendant in this case. The basis for this motion is set forth in the attached affidavit of counsel.

Respectfully submitted
Defendant Eduardo Pagan
By His Attorney,

Date: June 6, 2006

Robert H. Astor, Esquire
Attorney for Eduardo Pagan
1441 Main Street, Suite 900
Springfield, MA 01103
(413) 781-1144
(413) 747-8044 FAX
BBO# 023120

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**AFFIDAVIT IN SUPPORT OF MOTION FOR FUNDS
TO RETAIN CONNECTICUT ATTORNEY**

I, Robert H. Astor, am competent to testify to the matters herein and with personal knowledge do hereby declare:

1. I have been appointed pursuant to the Criminal Justice Act to represent Eduardo Pagan in the above-captioned criminal case.
2. Mr. Pagan is charged with distribution of more than five grams of crack cocaine and has a prior conviction. He therefore faces a minimum mandatory sentence of ten years imprisonment.
3. On or about March 28, 2005 the government filed an Information to Establish Prior Conviction (851 Enhancement).
4. After conducting some research defense counsel concludes that he requires the expertise of a Connecticut appellate attorney to determine what, if any, challenges can be raised regarding defendant's 1999 Connecticut conviction.
5. Counsel believes that \$2,500, at most, will be sufficient to investigate and research issues surrounding defendant's Connecticut conviction.

Sworn to under the pains and penalties of perjury, this 6th day of June, 2005.

Robert H. Astor, Esquire

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS

DATE: June 6, 2006

Then personally appeared before me the above named Robert H. Astor, known to me, who acknowledged his signature on the foregoing affidavit represented his free act and deed.

Notary Public Theresa A Selvoski
My Commission Expires 4/19/07